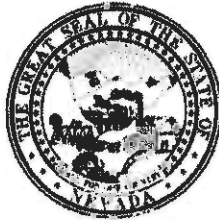


STATE OF NEVADA

BRIAN SANDOVAL
Governor



BRUCE BRESLOW
Director

Members of the Board

BRUCE K. SNYDER
Commissioner

PHILIP E. LARSON, Chairman
BRENT C. ECKERSLEY, ESQ., Vice-Chairman
SANDRA MASTERS, Board Member

MARISU ROMUALDEZ ABELLAR
Executive Assistant

DEPARTMENT OF BUSINESS AND INDUSTRY
**LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD**

2501 E. Sahara Avenue, Suite 203, Las Vegas, Nevada 89104
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June 15, 2016

**MINUTES OF THE PUBLIC HEARING ON PROPOSED REGULATIONS OF THE LOCAL
GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**

A public hearing of the Local Government Employee-Management Relations Board, properly noticed and posted pursuant to the Nevada Open Meeting Law, was held on Wednesday, June 15, 2016, at the hour of 8:00 a.m. at the offices of the Local Government Employee-Management Relations Board, 2501 E. Sahara Avenue, Suite 203, Las Vegas, Nevada 89104.

The following Board members were present:

Philip E. Larson, Chairman
Brent C. Eckersley, Esq., Vice-Chairman
Sandra Masters, Board Member

Also present:

Bruce K. Snyder, Commissioner
Donald Bordelove, Deputy Attorney General

Present from the public:

None

The Agenda:

PRELIMINARY MATTERS

1. Call to Order

The public hearing was called to order by Philip E. Larson, Chairman, on Wednesday, June 15, 2016 at 8:00 a.m.

2. Public Comment

No public comment was offered.

REGULATORY MATTERS

3. **Public Hearing on Proposed Regulation R034-16**

There were no comments from the public. However, Commissioner Snyder did read one written comment into the record which objected to a prohibition of attaching exhibits to certain documents. The e-mail reads:

Dear Bruce:

I am not able to attend the June 15th meeting where the Board's proposed amendments to regulations will be considered. I would appreciate if this brief comment could be considered by the Board in its deliberations. Section 4 of the proposed amendments concerning NAC 288.200 proposes to prohibit any attachments/exhibits to a complaint. There are certainly valid reasons for exhibits to be included with a filed complaint therefore it is not clear why this change is being proposed. If this is proposed for reasons due to space considerations on filings it is suggested a reasonable limitation (such as 50 page) be imposed for attachments to complaints. The same goes for the similar amendment in Section 6 to prohibit attachments/exhibits to a prehearing statement. There are certainly valid reasons why a party may wish to include important documents with a prehearing statement therefore the reason for this proposal is unclear. If it has something to do with space constraints a reasonable limitation on exhibits to a prehearing statement would seem like a workable solution.

Scott Greenberg
Clark County School District

4. **Consideration of Comments on Proposed Regulation R034-16**

Commissioner Snyder mentioned that the above comment was similar to another written comment read into the record at the public workshop held in May, which he then proceeded to read (a copy of the comment is included within the minutes of the public workshop).

Commissioner Snyder commented that it was not an issue of capacity but rather an issue of fairness in that on a motion to dismiss or at a hearing the other party has the ability to object to the inclusion of an exhibit into the administrative record but that this is not the case when an exhibit is attached to a complaint, answer or prehearing statement. He further stated that Nevada is a notice pleading state and not a fact pleading state and thus a party need not prove their case at the complaint, answer or prehearing statement stage. He noted that it is only a very small minority of attorneys who do so. He also noted that the agency's current regulations for prehearing statements outline what is to be in such statements and that the attachment of exhibits is not one of these.

He further commented that the problem is compounded because in preparing for a hearing the Board receives from staff the complaint, answer and prehearing statements, and if such documents include exhibits then the Board sees those exhibits when they might otherwise properly not belong in the record or when, at a hearing, they may have been excluded and not allowed into evidence.

In response to a question from Vice Chairman Eckersley, Commissioner Snyder stated that the proposed regulation does not prohibit the attaching of exhibits at a relevant time in a case's proceedings, including on a motion to dismiss or at a hearing and that the Board does not decide cases alone on just a complaint, answer and/or prehearing statements. Rather, cases are only adjudicated on a motion to dismiss or at a hearing.

Commissioner Snyder then briefly summarized the contents of the entire proposed regulation, which does four things. First, the regulation authorizes the electronic service of certain documents while allowing a person to request to opt out of electronic service. Secondly, the regulation adopts the time computation rules of the Nevada Rules of Civil Procedure for the computation of any period prescribed by chapter 288 of NAC or an order of the Local Government Employee-Management Relations Board. Thirdly, the regulation prohibits a person from attaching any document to certain documents filed with the Board. Finally, the regulation removes the requirement that the addresses of the complainant and respondent be included in a complaint filed with the Board.

5. Possible Final Adoption of Proposed Regulation R034-16


Upon motion, the Board unanimously adopted Regulation R034-16, as presented.

CLOSING MATTERS

6. Additional Period of Public Comment

No public comment was offered.

Respectfully submitted,



Bruce K. Snyder,
EMRB Commissioner

